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A Limited Liability Partnership

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Attorneys for Defendants,

TESLA, INC. dba TESLA MOTORS, INC.

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

DEMETRIC DI-AZ, OWEN DIAZ, and  
LAMAR PATTERSON,

Plaintiffs,

v.

TESLA, INC. dba TESLA MOTORS, INC.;  
CITISTAFF SOLUTIONS, INC.; WEST  
VALLEY STAFFING GROUP;  
CHARTWELL STAFFING SERVICES, INC.;  
and DOES 1-50, inclusive,

Defendants.

Case No. 3:17-cv-06748-WHO

**JOINT STIPULATION RE PLAINTIFFS'  
PROPOSED MOTIONS *IN LIMINE* NOS.  
4, 6 AND 7; [PROPOSED] ORDER**

Pre-trial Conference: April 20, 2020

Time: 2:00 p.m.

Courtroom: 2, 17th Floor

Judge: Hon. William H. Orrick

Trial Date: May 11, 2020

Complaint filed: October 16, 2017

1           **TO THE HONORABLE COURT, ALL PARTIES AND THEIR ATTORNEYS OF**  
2 **RECORD:**

3           Plaintiffs Owen Diaz and Demetric Di-az (“Plaintiffs”), and Defendant Tesla, Inc.  
4 (“Defendant”) (collectively, the “Parties”), by and through their attorneys of record, hereby  
5 submit this Joint Stipulation re Plaintiff’s Proposed Motions *in Limine* Nos. 4, 6, and 7 in order  
6 to prevent the unnecessary use of Court time and resources. Accordingly, the Parties stipulate as  
7 follows:

8           **WHEREAS**, on March 23, 2020, Plaintiffs sent Defendant their proposed Motions *in*  
9 *Limine* as part of the mandatory exchange of pre-trial documents;

10          **WHEREAS**, counsel for Defendant reviewed the motions, which cover eight  
11 evidentiary issues Plaintiff would like to exclude;

12          **WHEREAS**, after reviewing the proposed motions, Defendant does not intend to  
13 affirmatively offer evidence, subject to the below limitations, on the following proposed  
14 motions:

- 15
- 16          1. Motion *in Limine* No. 4 to Exclude Evidence and Testimony Concerning Witness  
17          Demetrica Holmes’s Mental Health History;
  - 18          2. Motion *in Limine* No. 6 to Exclude Evidence and Testimony Concerning Plaintiff Owen  
19          Diaz’s Past Criminal Convictions;
  - 20          3. Motion *in Limine* No. 7 to Exclude Evidence of Plaintiff Owen Diaz’s Past Drug Use;

21          **WHEREAS**, Defendant’s representation that it does not affirmatively intend to offer  
22 evidence is without prejudice to Defendant’s right to introduce evidence in any of the at-issue  
23 proposed motions should Plaintiffs or any of Plaintiffs’ witnesses “open the door” to these  
24 issues;

25          **WHEREAS**, the parties assert that entering into this stipulation will save the parties and  
26 Court significant time in adjudicating and addressing the pre-trial issues in this matter, and will  
27 prevent unnecessary motion practice on issues that are not disputed;  
28

1       **NOW THEREFORE**, it is hereby stipulated by and between Plaintiffs and Defendant,  
2 that:

3       (1)     Subject to Plaintiff opening the door, Defendant will not affirmatively introduce  
4 evidence on the following issues that are subject to Plaintiffs' proposed Motions *in Limine*:

- 5           1.     Evidence concerning Demetrica Holmes's past mental health history.
- 6           2.     Evidence concerning Owen Diaz's past criminal convictions.
- 7           3.     Evidence concerning Owen Diaz's past drug use.

8  
9 **IT IS SO STIPULATED.**

10  
11 CALIFORNIA CIVIL RIGHTS LAW GROUP  
12 ALEXANDER KRAKOW + GLICK LLP  
13

14  
15 By:                               /s/ Cimone A. Nunley

16  
17 Lawrence A. Organ, Esq.  
18 Navruz Organ, Esq.  
19 Cimone A. Nunley, Esq.  
20 J. Bernard Alexander, Esq.

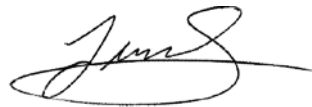
21 *All signatories listed concur in the*  
22 *filing's content and have authorized the*  
23 *filing*

24 Attorneys for Plaintiffs  
25 DEMETRIC DI-AZ AND OWEN DIAZ

26 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

27 April 1, 2020

28 Bv



TRACEY A. KENNEDY  
PATRICIA M. JENG

Attorneys for Defendant  
TESLA, INC. dba TESLA MOTORS, INC.

**[PROPOSED] ORDER**

Based upon the Parties' Stipulation, and good cause having been shown, **IT IS HEREBY ORDERED THAT:**

(1) Defendant will not introduce evidence on the following issues that were subject to Plaintiffs' proposed Motions *in Limine*:

1. Evidence concerning Demetrica Holmes' past mental health history.
2. Evidence concerning Owen Diaz's past criminal convictions.
3. Evidence concerning Owen Diaz's past drug use.

(2) This stipulation is made without prejudice to Defendant's right to introduce any of the above-referenced evidence should Plaintiff or any of Plaintiff's witnesses present evidence on these issues or otherwise make them relevant to the trial.

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: \_\_\_\_\_, 2020

\_\_\_\_\_  
Hon. William H. Orrick